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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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BANGLADESH: Government stands against independent human rights defenders

The Asian Legal Resource Centre (ALRC) wants to bring the situation of human rights defenders of Bangladesh to the attention of the United Nations Human Rights Council. The Government of Bangladesh stands against the human rights defenders with draconian legislations and various institutions and agencies of the State. Independent dissenting voices face systemic harassments. Given the circumstances, the human rights defenders have to work without any notion of protection while defending rights in the country. The threats against the human rights defenders are increasing as the 3rd Cycle of the Universal Periodic Review (UPR) is approaching.

The Government of Bangladesh has amended the existing laws and has adopted new laws with vague definitions and harsher provisions to stifle the human rights organisations and individual defenders along with other dissenting voices.

The incumbent government made the Foreign Donations (Voluntary Activities) Regulation Act 2016. This law not only intimidates the civil society actors but also prevents the expected outcome that the human rights organisations strive for achieving for the society. The law provides the NGO Affairs Bureau (NGOAB), a wing under the Office of Prime Minister, the power to review and cancel proposed projects by NGOs. A persons' travelling out of Bangladesh in relation to the projects requires prior governmental approval. The NGO Affairs Bureau is authorised to scrutinise the activities through inspections and monthly coordination meetings by the representatives of the NGOAB while prior approval is also required for planned activities before receiving the grants. Without any judicial process the NGOAB is empowered to impose sanctions for alleged 'non-compliance' against any organisation or individual receiving foreign funds for voluntary activities. Such actions also include fines, disciplinary actions, and cancellation of registration of the NGO even for 'derogatory' remarks. The decisions of the NGOAB can only be brought before the Secretary of Office of the Prime Minister as an 'appeal'. The law establishes the bureaucrats' control over voluntary activities while Bangladesh's bureaucracy has reputation for systemic corruption and abuse of power.

Bangladesh's Cabinet has approved the Digital Security Bill-2018 on 29 January 2018. This Bill may be enacted in any day during the ongoing Session of the national parliament. This proposed law curtails both the freedom of press and the writ of human rights organisations. The police is authorised to arrest any person without a warrant of arrest issued by a Court of the country if the police officer believes that an offence is committed under this law. A person can be imprisoned for 14 years, with or without a fine of BDT 10 million for publishing any material online for 'spreading negative propaganda against Liberation War or the Father of the Nation' while there is no definition of 'negative propaganda' provided in the law. Publishing 'false' and 'distorted' information to tarnish the image of the State is punishable with three years' imprisonment and with or without a penalty of BDT three hundred thousand. If a person is held for the second time for the same crime he or she will be imprisoned for five years with or without a penalty of BDT one million. Such provision will put the human rights defenders in grave danger, as they have to contest the official version of the State, which always denies allegation of human rights abuses and accuses the rights groups for 'tarnishing the image of the State'. For example, the government and the law-enforcement agencies of Bangladesh deny every incident of enforced disappearances and each of extrajudicial executions while the human rights defenders and media explore and expose the truth.

Bangladesh Government, by default, protects the perpetrators of human rights abuses in a deeply rooted culture of impunity. The State prevents the basic institutions from functioning and serving the people with fairness. Instead, the incumbent government uses all the institutions, including the judiciary, as tools to secure its power at the cost of the lives and liberties of the ordinary people.

The participation of independent human rights organisations in the Universal Periodic Review (UPR) mechanism of the UN Human Rights Council makes them governmental targets for exposing the human rights realities. For example, *Odhikar*, a locally based human rights organisation, contributed to the UPR process during the first and second cycles in 2009 and in 2013. This rights group consistently documented the cases and pattern of extrajudicial executions, enforced disappearances, custodial torture, curtailing the freedom of expression and opinion, and denial of justice to the victims of gross human rights abuses in Bangladesh. The government started harassing this organisation for publishing a fact-

finding report on a massive crackdown in May 2013. Its leaders were made the victims of the country's first ever cyber crime case, which is still pending before a special tribunal incepted for holding trial of such cases. Their bank accounts are frozen and NGO registration's renewal has been halted since mid 2014. The activists who are engaged in standing beside the victims of human rights violations remain under active surveillance by the intelligence and law-enforcement agencies.

Bangladesh is moving toward another general election by the end of 2018. The incidents of gross human rights abuses are also on the rise. The incumbent government is using the State's law-enforcement agencies and judiciary to drive away the political opposition. The government has already started arresting the opposition activists arbitrarily as the main opposition leader is afraid to be convicted in controversial corruption cases. As days pass on more violation of human rights would deteriorate the situation requiring the human rights defenders to assist the victims. The activities of the rights groups would invite more reprisals against the human rights defenders, except those who directly or indirectly align with the incumbent government for their financial and political benefits.

Bangladesh's system of governance is authoritarian and coercive by nature. The institutions – be it a constitutional body or a statutory entity - function according to the wish of the Prime Minister, as a supreme controller of everything. The universal normative principles of justice and good governance do not exist or work in this country. As a result, all the basic institutions constantly fail to act for the actual purpose of upholding the rule of law and facilitate functional democracy. The judiciary and the entire criminal justice apparatus, survive as mere facades. These facades facilitate the process of silencing the society's vibrant voices.

The ALRC urges the Special Rapporteur on the Situation of Human Rights Defenders to request Bangladesh for sending invitation to the mandate for country visit. The Human Rights Council and the Office of the High Commissioner for Human Rights to focus on Bangladesh's domestic human rights realities and intervene for the protection of victims from gross violation of rights.